

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES OF AMERICA

VS.

NELSON BAHENA-GARCIA

)
)
) CRIMINAL ACTION NO.
) 6:18-CR-64
)
) 10:08 A.M.
)

PRETRIAL CONFERENCE
BEFORE THE HONORABLE JOHN D. RAINEY
SEPTEMBER 5, 2018

APPEARANCES:

FOR PLAINTIFF:

MS. PATTI HUBERT BOOTH
Assistant United States Attorney
800 North Shoreline, Suite 500
Corpus Christi, Texas 78401

FOR DEFENDANT:

MR. FRANCISCO MORALES
Assistant Federal Public Defender
606 North Carancahua, Suite 401
Corpus Christi, Texas 78401

COURT INTERPRETER:

MS. MYRNA WALLACE

COURT REPORTER:

Heather Alcaraz, CSR, FCRR, RMR
Official Court Reporter
515 Rusk, Suite 8004
Houston, Texas 77002
(713)250-5584

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OFFICIAL RATE. General Order 94-15, United States District
Court, Southern District of Texas.**

1 *(Defendant present.)*

10:08:06 2 **THE COURT:** Next is V-18-64, United States of America
3 versus Nelson Bahena-Garcia.

10:08:14 4 **MS. BOOTH:** Patti Hubert Booth for the United States.

10:08:16 5 **MR. MORALES:** Frank Morales for Mr. Bahena.
6 Your Honor, this, again, is another one of the ones that got
7 transferred to me from Mr. Gill. It's a really complicated
8 case, very, very serious case. I anticipate that the
9 government's asking for a continuance. I'm also asking for a
10 continuance in the case.

10:08:33 11 **MS. BOOTH:** Your Honor, this is a case where there was
12 a death possible and aggravated sexual assault, and --

10:08:38 13 **THE COURT:** Oh, okay.

10:08:39 14 **MS. BOOTH:** -- we anticipate going to the grand jury
15 as soon as -- with a hostage-taking case. And I talked to
16 Mr. Morales about it, and we're going to be filing a motion to
17 certify it as complex. There are certain protocols and things
18 that are going to have to be done, and --

10:08:56 19 **THE COURT:** Bring the defendant up, if you would.

10:09:16 20 Sounds like at least a 90-day continuance, probably --

10:09:19 21 **MR. MORALES:** Probably.

10:09:20 22 **MS. BOOTH:** At least, Your Honor.

10:09:21 23 **THE COURT:** -- I mean, with all you're planning on
24 doing, and probably be more than that.

10:09:24 25 But Mr. Bahena, a request has been made to continue

1 your case to another docket in order for various things to be
2 accomplished, including discovery, as well as knowing -- trying
3 to find out what the -- how the government's going to proceed.
4 Do you have any objection to that continuance?

10:09:42 5 **THE DEFENDANT:** No.

10:09:43 6 **THE COURT:** Okay. Let's see -- let's move it to the
7 December docket, which would be December the 4th at
8 10:00 o'clock, and we'll see where we stand at that point.

10:09:56 9 **MR. MORALES:** Your Honor, I only have one thing in
10 this case so far. It's in its infancy, really. I'm given to
11 understand that the government has previously sought the expert
12 services of a medical examiner, and I think he may or may not
13 have completed a report. I'd ask for a protective order of that
14 report in case it contains any *Brady* information.

10:10:15 15 **MS. BOOTH:** Certainly.

10:10:15 16 **THE COURT:** Sure.

10:10:16 17 **MS. BOOTH:** Certainly, Your Honor.

10:10:17 18 **THE COURT:** Okay. So ordered.

10:10:19 19 **MR. MORALES:** Thank you, Your Honor.

10:10:19 20 **THE COURT:** All right. Very well.

10:10:19 21 Okay. You may have a seat.

22 *(Proceedings concluded at 10:10 a.m.)*

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24 I certify that the foregoing is a correct transcript from
25 the record of proceedings in the above matter.

1 Date: April 12, 2019

2 /s/ Heather Alcaraz
3 Signature of Court Reporter
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